

## AMENDMENT

### Listing of Claims

The following listing of claim replaces all previous listings or versions thereof:

1-22. (Canceled)

23. (Presently amended) A method of treating myocardial failure in a human comprising administering an effective amount of a transgene encoding for  $\alpha$ -MHC, wherein ~~said treatment~~ expression of  $\alpha$ -MHC provides improvement in left ventricular ejection fraction.

24-26. (Canceled)